

Lindsey, Doug

From: Michael Bazylenko [biochips@bigpond.net.au]
Sent: Thursday, August 17, 2006 11:01 PM
To: Lindsey, Doug
Subject: chargeback jun06-16 and 10566482



USPTO claims.doc USPTO-PCT.doc ATT2018497.txt

Hi Doug,

I disputed the above Master Card transaction through my bank as it was significantly higher than I estimated based on existing USPTO fees and charges. Having received and reviewed the supporting docs I now realised where the problem was. Apparently, USPTO mistakenly charged me 1,000\$ for 60 claimes, whereas my PCT, as filed in US, has only 20 claims, which should be processed free of charge. The 1000\$ will need to be refunded. I attached electronic copies of the original correspondence mailed to USPTO confirming the number of claims.

Thank you for your help in resolving this.

Regards,
Michael.

8/17/06 CLAIMS TO BE
SUBMITTED FOR U.S. PATENT
APPLICATION # 10566482
ATTACHED

Refund Ref:
08/22/2006 0030034000

Credit Card Refund Total: \$1000.00

Master C: XXXXXXXXXXXX9690

Adjustment date: 08/22/2006 DLINDSEY
05/30/2006 PBOOKER 00000010 10566482
02 FC:2615 -1000.00 OP

Adjustment date: 08/22/2006 DLINDSEY
05/30/2006 PBOOKER 00000010 10566482
02 FC:2615 -1000.00 OP

\$1,000.00 SALE
NOT
AUTHORIZED
BY
CUSTOMER

DOUG LINDSEY



UNITED STATES PATENT AND TRADEMARK OFFICE

Chief Financial Officer and Chief Administrative Officer

05 July 2006

**COPY FOR YOUR
INFORMATION**

TO: Mellon Bank Electronic Services Division
Attn: Chargeback Area

FROM: MATTHEW LEE

SUBJECT: Request for Information

We have received a request for information from your office stating that the cardholder does not recognize a \$ 1,380.00 charge processed by USPTO on 30 May 2006 against his credit card and requests support. The PCT application number associated with the sale in question was **10566482**. Michael Bazylenko is listed as the inventor for the application in question. It would appear that with the NOTICE OF ACCEPTANCE dated 31 May 2006 that additional fees were owed for the PCT application fee.

Please note that USPTO's Office of Finance would not locate any documentation showing that the customer authorized the sale in question. If the customer did not intend to pursue this PCT application, i.e., he intended to let the PCT application go abandon, the USPTO's Office of Finance will refund the customer the \$ 1,380.00 in question. Please contact the USPTO's Office of Finance at the telephone number noted below and reference **CHARGEBACK JUN06-16**. The request for a refund can also be faxed to (571) 273-6500, attention Douglas M. Lindsey.

USPTO requests that the **CHARGEBACK AREA** take no action at this time concerning refunding the customer as the charge in question appears to be appropriate. Please have the customer review and if a \$ 1,380.00 is inappropriately processed please notify the USPTO's Office of Finance.

If you have further questions you can contact Douglas M. Lindsey at (571) 272-6344.

Reference USPTO **CHARGEBACK JUN06-16**.

Thank you in advance.

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/566482		INTERNATIONAL APPLICATION NO. PCT/AU2005/000552		ATTORNEY'S DOCKET NUMBER	
20. Other items or information: <div style="text-align: center; font-style: italic; font-size: 1.2em;"> "Notes in response to issues raised in the ISR" - 1 page </div>					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$ 300	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200				\$ 200	
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500				\$ 0	
TOTAL OF 21, 22 and 23 =				500	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
37 - 100 =	/50 =	0	x \$250	\$ 0	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	20 - 20 =	0	x \$ 50	\$ 0	
Independent claims	3 - 3 =	0	x \$200	\$ 0	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360	\$
TOTAL OF ABOVE CALCULATIONS =				\$	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				250	
SUBTOTAL =				\$ 250	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 250	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 250	
				Amount to be refunded:	\$
				Amount to be charged	\$

COPY FOR YOUR INFORMATION

**Amended list of claims for PCT/AU2005/000552 for filing
with USPTO.**

**THE CLAIMS DEFINING THE INVENTION (AS AMENDED) ARE AS
FOLLOWS:**

1. A biochip for testing biological substances comprising a plurality of binding sites, optical means for determining a specific binding event at each binding site, wherein the plurality of binding sites and the means for determining a specific binding event at each binding site are monolithically integrated into a single chip which is electrically powered and produces electrical signals in response to binding events at each binding site.
2. A biochip in accordance with claim 1 wherein the means for determining a specific binding event comprise at least one light source and at least one photodetector associated with each binding site.
3. A biochip in accordance with claim 2 said biochip further comprising a first plurality of electrodes for individually controlling each light source and a second plurality of electrodes for individually controlling each photodetector.
4. A biochip in accordance with claim 2 wherein either or both the light sources and the photodetectors are implemented in a thin film semiconductor layer.
5. A biochip in accordance with claim 4 wherein the light sources and photodetectors are implemented in the same semiconductor thin film layer.
6. A biochip in accordance with claim 4 wherein the semiconductor thin film material comprises semiconductor polymer.
7. A biochip in accordance with claim 4 wherein the thin film light source is a microcavity light source.
8. A biochip in accordance with claim 4 wherein the thin film photodetector is a microcavity photodetector.
9. A biochip in accordance with any of the preceding claims wherein the means for determining a binding event at each binding site further comprise at least one planar optical waveguide, the evanescent field of light propagating in the waveguide interacting with the biological substance under test.

10. A biochip in accordance with any of the preceding claims wherein the means for determining a binding event at each site comprise means for determining a refractive index change associated with a binding event.
11. A biochip in accordance with claim 10 wherein the means for determining refractive index change comprise a first planar waveguide on surface of which the binding event occurs, a second planar waveguide located below the first waveguide and separated by coupling layer of lower refractive index than that of the two waveguides.
12. A biochip in accordance with claim 10 wherein the means for determining refractive index change comprise a first planar waveguide on surface of which the binding event occurs, a grating formed in said waveguide, a second planar waveguide located below the first waveguide and separated by coupling layer of lower refractive index than that of the two waveguides.
13. A biochip in accordance with any of the preceding claims wherein the means for determining a binding event further comprise a reference light paths provided at each binding site for error correction.
14. A biochip in accordance with any of the preceding claims wherein the biochip comprises a further plurality of electrodes to control hybridization conditions at each binding site.
15. A biochip in accordance with claim 14 wherein the electrodes comprise resistive heater electrodes formed underneath individual binding sites or groups of binding sites.
16. A method of manufacturing a biochip containing light sources, photodetectors, binding sites and optical means for determining a specific binding event at each binding site wherein said light sources, photodetectors, binding sites and optical means for determining a specific binding event at each binding site are produced by processing a single planar substrate in a sequence of deposition, photolithography and etching steps.
17. A method of manufacturing a biochip in accordance with claim 16, said method comprising steps of (i) forming a first plurality of electrodes that are optically

non-transparent; (ii) forming at least one semiconductor layer; (iii) forming a second plurality of electrodes that are optically transparent; (iv) forming at least one planar waveguide layer; (v) forming means of in- and out-coupling for the waveguide layer; and (vi) forming a plurality of binding sites on top on the surface of the waveguide layer.

18. A method of testing a biological substance comprising steps of disposing the substance over a plurality of binding sites, hybridization of the substance to the binding sites and detecting the sites at which the binding events occurred using optical means, said method further comprising the use of a single biochip which is electrically powered and produces electrical signals in response to binding events at each binding site.
19. A method in accordance with claim 18, wherein the biochip allows for in-situ monitoring and detection of binding events at each binding site during the hybridisation.
20. A method in accordance with claim 19 wherein in-situ monitoring and detection comprises generating an optical signal at each binding site and then receiving a corresponding electrical signal from each binding site that contains information about the interaction of the optical signal with the biological substance at each binding site.